

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Ellen Suleiman
Plaintiff

vs.

Miguel Cardona, in his official
capacity as United States Secretary
of Education, and the Office of
Federal Student Aid, Department of
Education,
Defendants

Civil Action: 2:22-cv-736

COMPLAINT FOR DECLARATORY RELIEF

AND NOW, comes the Plaintiff, Ellen Suleiman, by her attorney, Mary Bower Sheats, Esquire, and sets forth the following in support of her complaint:

1. This action is for judicial review pursuant to 5 U.S.C. §§701-706, and for declaratory relief pursuant to 28 U.S.C. §2201, concerning a determination made regarding the Plaintiff, pursuant to a regulation of the Federal Student Aid office of the Department of Education, for which Plaintiff has a right of review pursuant to 5 U.S.C. §§701-706.
2. This Honorable Court has jurisdiction in this proceeding, pursuant to 28 U.S.C. §1346, in this civil action or claim against the United States, not exceeding \$10,000 in amount, founded upon a regulation of an executive department.
3. Venue is appropriate pursuant to 28 U.S.C. §1402.

4. Plaintiff, Ellen Suleiman, is an adult citizen of the United States of America, who currently resides at 731 Penn Avenue, Apartment 511, Pittsburgh, Pennsylvania, 15222.

5. The Defendant, Miguel Cardona, in his official capacity, as the U.S. Secretary of Education, has his office or usual place of business at the Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, D.C., 20202.

6. The Defendant, the Office of Federal Student Aid, United States Department of Education, has its office or usual place of business at the Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, D.C., 20202.

7. Plaintiff brings this action to secure declaratory relief, with respect to the aforesaid determination made regarding the Plaintiff, for an Order declaring that her correct date of birth is July 29, 1975.

8. Plaintiff is a student enrolled at the University of Pittsburgh, in the program to become a registered nurse anesthetist.

9. Plaintiff is a native of Sierra Leone.

10. In 1996, Plaintiff was evacuated to Iceland, during the Sierra Leone Civil War, from the Sierra Leone refugee camps, where she had been living with her family members.

11. When Plaintiff was evacuated, from Sierra Leone to Iceland, she had no English and no mathematics.

12. When Plaintiff was evacuated, from Sierra Leone to Iceland, her Sierra Leone passport mistakenly indicated that her date of birth was July 29, 1971, instead of her true birth date of July 29, 1975, as the result of inadvertent error arising from the chaotic exigencies of her wartime evacuation.

13. Plaintiff's true date of birth is July 29, 1975, as evidenced by her Sierra Leone birth certificate. (Exhibit "A")

14. Plaintiff briefly attended high school in Iceland, and from Iceland, Plaintiff traveled to Seattle, Washington, where she finished her GED.

15. When Plaintiff became a United States Citizen, she was informed that the process to correct her date of birth could not be addressed during the citizenship process.

16. In the years since Plaintiff became a U.S. citizen, Plaintiff managed to correct her birth date on her Sierra Leone passport so that her current Sierra Leone passport shows her correct date of birth. (Exhibit "B").

17. Plaintiff's U.S. Driver's license, reflects her correct birthdate, which is July 29, 1975. (Exhibit "C").

18. Plaintiff's U.S. Passport, incorrectly states her date of birth as July 29, 1971, instead of July 29, 1975. (Exhibit "D").

19. On or about May 12, 2022, Plaintiff received a rejection of her Free Application for Federal Student Aid, due to the fact that her birthdate on her United States Passport does not match her birthdate on her current Sierra Leone passport, her Sierra Leone birth certificate, her driver's license, and her

school transcripts. Specifically, the Financial Aid office of the University of Pittsburgh advised that she must submit citizenship documentation that reflects her correct date of birth before her application can be processed for federal student aid. (Exhibit "E")

20. In order to pay for the expenses of her education to become a nurse anesthetist, Plaintiff is in need of financial aid.

21. The Defendant, the Office of Federal Student Aid, requires students to complete the Free Application for Federal Student Aid (FAFSA) in order to apply for Federal Financial Aid, to determine eligibility for student aid for the expenses of the students' education.

22. Plaintiff is in need of a court order, declaring that her correct date of birth is July 29, 1975, so that she can comply with the requirements of the Financial Aid office, so as to complete her FAFSA application for student aid, to allow her to secure the financial aid that she needs in order to pay for her education.

23. Pursuant to applicable law, 28 U.S.C. § 2201, 5 U.S.C. §§ 701-706, this Honorable Court has the power to enter an order declaring that Plaintiff's correct date of birth is July 29, 1975, so that Plaintiff will be able to comply with the regulations of the Defendants pertaining to the FAFSA requirements.

24. Plaintiff will suffer irreparable harm unless this Honorable Court grants her the relief requested, in that she will be unable to become a nurse anesthetist, and she has no other adequate remedy at law.

25. The Order granting declaratory relief will allow Plaintiff to secure the financial aid that she needs to complete her education and attain the degree of nurse anesthetist.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter the attached proposed Order, declaring and determining that her correct birthdate is July 29, 1975.

Respectfully submitted,

/s/Mary Bower Sheats
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